1950

File No. O. Town Plan
Legal Department/50

A BRANCH

Subject:—

Opinions under the
Bombay Town Planning
Act 1915

P.no
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File No. O Town Plan/50
Gen. 196
519-A

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C O N T E N T S.

Legal Department File No. O. Town Planning.1950

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S.C.
15/6 # 5 copies. 1816

K.S.R
1816

Office of the R.L.A.

As the intention obviously was to vary regulations which occur in the original scheme sanctioned under G.R.G.D.No. 5822 dated 23-3-1936 and add a regulation thereto, that intention may now be expressed by a suitable corrigendum. In respect of such corrigendum it is not necessary to follow de novo the procedure under Section 9(1) as if it were a new variation.

The accompanying corrigendum may issue under signature of the President, Sholapur Municipality. The said Town Rix Planning is shown by the figure No. II in Roman Style and not in the Arbic Style. The necessary correction has been made also in the corrigendum.

Sd. P.M.Lad
10-5
Remembrancer of Legal Affairs.

U.R. to L.S.G. & P.H.D. No. 6497 dated the 12th May 1950.

S.C. 13/6.
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Corrigendum.

In the notice issued by the President , Sholapur Municipality, at pages 1552 53 of Part II of the Bombay Government Gazette, dated the 27th October 1949, in respect of the "Declaration of intention to re-very the Town Planning Scheme, Sholapur No. II (Varied) (Final)" for the words and figures "Sholapur No. 2 (Varied)(final), sanctioned" the words and figures " Sholapur No. II as sanctioned under Government Notification, General Department No. 5822, dated the 23rd March 1936 and subsequently varied by the Sholapur Municipality and sanctioned by Government" shall be substituted.

President, Sholapur
Municipality.

Sholapur Municipal Offices
Sholapur 1950.

L.I.No. 14307 dt. 3.8.50.

Submitted

2. The Provincial motor Transport Controller proposes to construct a bus station for use of the State Transport buses on certain lands included in the Final Town Planning Scheme, Poona Suburban, No. I sanctioned by Govt. in 1925. According to the T.P. Scheme the said lands are intended for residential purposes and since the proposed use thereof would conflict with the Scheme the consulting Surveyor to Govt. has suggested acquisition of the lands under sect 51-A of the Bom. Town Planning Act, 1915 (inserted by Bom. LV of 1948). The R.L.A. is requested to advise.

sd. T.Y. Chaudhari.
Nadkarni.
15/8

A.L.R.

~~Reply may be~~

The view taken by the consulting Surveyor is correct. There would be no legal objection to acquiring the land under S.51-A of the Bom. Town Planning Act even though the acquisition would materially affect the necessities of the neighbourhood.

Sd. R.T.K.
18-8

R.L.A. sd. P.M.Lad
18/8

U.R. to L.S.G. & P.H.D.No. 11904 dt. 21-8-50.

R.I.No. 23470
28-11-50

Submitted with reference to the L.S.G. & P.H.D. office note on p. 75 ante.

2. By its Resolution No. 1046 dated 17-10-45 the Ahmedabad Municipality declared its intention under section 9(1) of the Bombay ~~Pu~~ Town Planning Act, 1915 to vary the ~~Amm~~ Town Planning Scheme, Ahmedabad No. II and applied to Govt. through the Collector on 30-10-45 for according sanction to the making of the varied scheme. After long correspondence with the Municipality the Collector forwarded the papers to Govt. on 26-6-1950. Relying on R.L.A.'s opinion No. 8857, dated the 1-9-1947 the Consulting Surveyor to Govt. has taken an objection to the inclusion of variation No. 4 whereby the Municipality intends to reserve to themselves the right to include any item of variation as any suggest to themselves during the preparation of the said varied scheme, on the ground th. it is too general and therefore irregular. He has therefore ~~mx~~ proposed that the Municipality should declare its intention de novo.

The R.L.A. is requested to advise.

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Office of the R.L.A

Under section 9(6) of the Bombay Town Planning Act, 191[illegible] Government has power to sanction the making of the scheme wit[illegible] with or without modifications. If the variations 3 and 4 as [illegible] proposed by the Ahmedabad Municipality are objectionable-and [illegible] they appear to be so - it would be open to Government to sanction the making of the scheme subject to modification or deletion of these variations. If however, Government decides to refuse to give sanction, it may do so, but a notification would be necessary under section 9(6).

Sd/- P.M.Lad
7-12

Remembrancer of Legal Affairs

U.H. to L.S.G. & P.H.D. No. 17415 , dated the 8th December 1950.

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